

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Alphonso Collins on 11/05/10.

The application has been amended as follows:

***In the Claims***

2. In Claim 1, line 2 after "vehicle" --,with a pump holder, with first retaining means of the pump holder, -- has been deleted and -- comprising a pump holder having a plurality of first and second retaining means ,the first retaining means of the pump holder --has been inserted.

3. In Claim 1, line 3 after "supporting" --the pump holder--has been inserted.

4. In Claim 1, line 3 after "and" -- with-- has been deleted and -- the -- has been inserted.

5. In Claim 1, line 3 after "holder" -- ,-- has been deleted.

6. In claim 1,line 5 after "another ," -- the retaining means being manufactured from plastic,-- has been deleted.

7. In claim 1,line 7 after " single piece" -- from a plastic material -- has been inserted.

8. The above change is made to put the claim in allowable condition.

***Allowable Subject Matter***

9. The following is an examiner's statement of reasons for allowance per MPEP 1302

10. Claims 1 ,3-13,and 15-20 are deemed to be directed to a non-obvious Improvement over Firtion et al (7252075) .

11. Claim 1 is drawn to a device for retaining a fuel pump in a fuel container of a motor vehicle. The pump retainer comprises a pump holder made of a plurality of first and second retaining means. In addition a damping device is connected to the first and second retaining means. The damping device includes an annular element, at least one first vertical arm connected to the annular element and first and second horizontal arms extending substantially horizontally and angled away from the first vertical arm. The at least one of the first and second horizontal arms is designed as another annular element and a second vertical arm connects the first horizontal arm and the second horizontal arm. Firtion et al disclose similar fuel pump retaining structure but fails to teach that the first and second horizontal arms are designed as another annular element. Firtion et al's horizontal arms are simple tab structures connected to the vertical arms. Thus In the examiner's opinion, it would not have been obvious to a person of ordinary skill in the art to at the time the invention was made to modify the fuel pump retainer of Firtion et al and make the horizontal arms in annular fashion as disclosed in the instant invention.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amene S. Bayou whose telephone number is 571-270-3214. The examiner can normally be reached on Monday-Thursday, 9:00 am-5:00 pm.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571)272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/  
Supervisory Patent Examiner, Art  
Unit 3746

/Amene S Bayou/

Examiner, Art Unit 3746